Board of Governors of the Federal Reserve System   Chris Barnard
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United States
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20 October 2014

- 12 CFR Part 227; Docket No. R-1490
- Unfair or Deceptive Acts or Practices (Regulation AA)

Dear Robert deV. Frierson.

Thank you for giving us the opportunity to comment on your Notice of proposed rulemaking on Unfair or Deceptive Acts or Practices (Regulation AA).

You are proposing to repeal your Regulation AA, which was issued pursuant to your rule writing authority under section 18(f)(1) of the Federal Trade Commission Act (FTC Act or Act). Section 1092(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) repealed section 18(f)(1) of the FTC Act, thus eliminating your rule writing authority under the Act.

Interagency Guidance Regarding Unfair or Deceptive Credit Practices

I support the interagency guidance[1] clarifying your view that the unfair or deceptive practices described in the former credit practices rules, including those in Subpart B of Regulation AA, could violate the statutory prohibition against unfair or deceptive practices, even in the absence of a specific regulation governing the conduct. The interagency guidance states that: "The Agencies may determine that statutory violations exist even in the absence of a specific regulation governing the conduct." I believe that this is a strong public statement that will carry sufficient weight such that banks, savings associations and Federal credit unions would be discouraged from engaging in unfair or deceptive acts or practices.

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[1] Issued by The Board of Governors of the Federal Reserve System (Board), Consumer Financial Protection Bureau (CFPB), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA), and Office of the Comptroller of the Currency (OCC).

Yours sincerely

C.R.B.

Chris Barnard